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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,375	01/24/2002	Alan D. Kalvin	YOR920010093US2	3903

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IBM CORPORATION
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EXAMINER

CHEN, PO WEI

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 08/27/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/056,375

Applicant(s)

KALVIN ET AL.

Examiner

Po-Wei (Dennis) Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-10 are pending in this application. Claims 1 and 8-10 are independent claims. This action is non-final

The present title of the invention is "System and Method for Visual Analysis and Evaluation of Color Scales on Multiple Computer Output Devices".

The Group Art Unit of the Examiner case is now 2697. Please use the proper Art Unit number to help us serve you better.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi (US 6,351,263) and further in view of Kumada (US 6,549,654).

Regarding claim 1, Naoi discloses an image processor designates processing parameters for data comprising:

A system for evaluating one or more color scales (lines 5-29 of column 8);

An input interface that receives one or more color scales (lines 6-19 of column 3 and lines 14-20 of column 5);

One or more test patterns (lines 6-19 of column 3 and Fig. 13; it is noted that different test prints are generated depending on color adjustment);

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An evaluation process that applies the color scales to the test pattern to determine which of the color scales can be used to create color-coded images on the color output device without violating the condition of perceptual ordering by more than a tolerance (lines 5-29 of column 8);

Naoi does not disclose one or more color output devices. Kumada discloses an image processing utilized the method (lines 3-7 of abstract). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Kumada to provide the user an easier way to select an optimum color printer and simulate the output results when a plurality of color printers are available. Also, both Naoi and Kumada are directed to utilizing different color profiles to produce testing image to provide the best output.

Regarding claim 2, it is noted that Naoi does not disclose the evaluation process warns the user when a color scale can not be used to create color-coded images on the color output device without violating the condition of perceptual ordering by more than a tolerance. Kumada discloses an image processing utilized the method (lines 52-63 of column 8). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Kumada to provide the user an easier way to select an optimum color printer and simulate the output results when a plurality of color printers are available. Also, both Naoi and Kumada are directed to utilizing different color profiles to produce testing image to provide the best output.

3. Regarding claims 5 and 6, while claim recites one or more color reproduction characteristics of the color output device are unknown and an ambient illumination environment of the color output device is unknown. It is clear that the system disclosed by Naoi is directed to a system where the printing, or output is being evaluated (lines 4-29 of column 8) by an user

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because the lack of knowing the characteristics such as illumination information of the output device with the color adjustment used.

4. Regarding claim 7, while claim recites quality of the user's color vision is unknown. It is noted that the system disclosed by Naoi is directed to a system where the printing, or output is being evaluated (lines 4-29 of column 8) by an user where the system does not disclose inputting information about the user. And the evaluation process is based on user's own judgement. Thus, it is clear that the user's color vision is unknown.

5. Regarding claim 8, statements presented above, with respect to claim 1 are incorporated herein.

6. Regarding claim 9, statements presented above, with respect to claim 1 are incorporated herein.

7. Regarding claim 10, statements presented above, with respect to claim 1 are incorporated herein.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi (US 6,351,263) and Kumada (US 6,549,654) as applied to claim 1 above and further in view of Dermer et al. (US 5,313,570; refer to as Dermer herein).

Regarding claim 3, Naoi discloses an image processor designates processing parameters for data comprising:

Evaluate the colors scales as determined by a perceptual ordering of the test pattern by the user where the respective color scale is used to render the test pattern to the user (lines 5-29 of column 8). The combination of Naoi and Kumada does not disclose a rating process. Dermer discloses a method for determining color boundaries utilize the method (lines 57-68 of column

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23 and lines 1-46 of column 24). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Dermer to provide the advantage of reducing the processing time of generating color trapping regions. Also, Naoi, Kumada and Dermer are directed to method of defining colors to optimize the output result.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi (US 6,351,263) and Kumada (US 6,549,654) as applied to claim 1 above and further in view of.

Regarding claim 4, Naoi discloses an image processor designates processing parameters for data comprising:

The color output device includes a user computer interface (element 21 of Fig. 1),

A graphical user interface (Fig. 8),

An electronic color display (Fig. 8),

A color printer (lines 8-9 of abstract),

Naoi does not disclose a television monitor. Kumada discloses an image processing utilized the device (element 111 of Fig. 22 and lines 51-52 of column 9; while claim recites television monitor, it is clear that a monitor functions the same as a television monitor, also Kumada also discloses similar device can be used, see lines 62 of column 9). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Kumada to provide the user an easier way to select an optimum color printer and simulate the output results when a plurality of color printers are available. Also, both Naoi and Kumada are directed to utilizing different color profiles to produce testing image to provide the best output.

The combination of Naoi and Kumada does not disclose a medical equipment interface. Marks discloses a method of generating graphic interface utilize the device (lines 60-61 of

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column 8 and Fig. 11). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Marks to provide the advantage of allowing user to easily manipulate output image by selecting input parameters. Also, Naoi, Kumada and Marks are directed to a method of allowing user to review the output images to obtain the best result.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ring et al. (US 5,754,184);

Spence (US 5,333,069);

Rogowitz et al. (US 5,874,955);

Cook (US 5,271,096);

Lavendel (US 5,615,320);

Davis et al. (US 6,381,343)

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703) 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen
Examiner
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Po-Wei (Dennis) Chen
August 20, 2003



JOSEPH MANCUSO
PRIMARY EXAMINER